

POLICY TITLE: HHS’ National Affordability Rental Scheme (NRAS) Code of Conduct & Dispute Resolution Policy

Policy Category:	HHS Code of Conduct & Dispute Resolution Policy - NRAS
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Related Policies:	NIL
Related SOP:	NRAS Policy and related SOPs
Related Forms:	Complaint Form
Related Standards:	NRAS – Act 2008, NRAS – Regulations 2008, NRAS Amendment (Investor Protection) Regulations 2019

PURPOSE

The purpose of this policy is to stipulate clearly and concisely a) Haven; Home Safe’s NRAS code of conduct and b) the dispute resolution process for the NRAS investors.

BACKGROUND INFORMATION

The NRAS was established by the National Rental Affordability Scheme Act 2008 (“the Act”) and the National Rental Affordability Scheme Regulations 2008 (“the Regulations”).

The National Rental Affordability Scheme (NRAS) is a long -term commitment by the Australian Government to investors that are prepared to build affordable rental housing.

Loddon Mallee Housing Services trading as Haven; Home Safe (HHS) is an approved participant for NRAS purposes.

In March 2019, the Australian Government made amendments to the National Rental Affordability Scheme Regulations 2008 (Regulations) to introduce a new compliance framework for approved participants. One element of that compliance framework is a new code of conduct for approved participants.

HHS’ NRAS CODE OF CONDUCT

The code of conduct is set out below and outlines HHS’s obligations in relation to NRAS dwellings.

- (a) HHS will comply with legal obligations relating to investors in a timely manner; and
- (b) HHS will comply with the law of the Commonwealth and the States and Territories in relation to dealings with investors and tenants; and
- (c) HHS will lodge an annual Statement of Compliance in relation to the dwelling; and
- (d) HHS will respond to a communication from an investor within 30 days; and
- (e) HHS will have an internal or external dispute resolution mechanism for use by investors; and

- (f) HHS will not enforce, seek to enforce or threaten to enforce an unfair contract; and
- (g) HHS will not make a misrepresentation to an investor; and
- (h) HHS will not engage in misleading or deceptive conduct in relation to an investor; and
- (i) HHS will not threaten or coerce an investor to take an action the investor is not required to take under contract; and
- (j) HHS will not prevent an investor from entering into a contract with a suitably qualified and experienced person in relation to the dwelling; and
- (k) HHS will not threaten to take action that would result in an investor not receiving incentive to which the investor is entitled under law; and
- (l) HHS will not require an investor to enter into a contract with another person in relation to the dwelling, unless the contract relates to a property management service provider and HHS is able to ensure that the provider:
 - 1) complies with the contract between the provider and the investor; and
 - 2) complies with legal obligations relating to the investor in a timely manner; and
 - 3) complies with the laws of the Commonwealth and the States and Territories in relation to dealings with investors and tenants; and
 - 4) does not enforce, seek to enforce or threaten to enforce an unfair contract with an investor; and
 - 5) does not make a misrepresentation to an investor; and
 - 6) does not engage in misleading or deceptive conduct in relation to an investor; and
 - 7) does not threaten or coerce an investor to take action the investor is not required to take under contract; and
- (m) If HHS requires the investor to enter into a contract as mentioned in paragraph (l)—ensures that the property management service provider acts in accordance with subparagraphs (l)(1) to (7).

Conflicts of Interest

The common law requires disclosing potential conflicts of interest as soon as they arise. This includes financial, political or personal benefit from:

- other business or professional activities;
- other commitments or interests;
- employment or accountability to other people or companies;
- membership of other companies;
- ownership of property or other assets;
- staff, contractors or board members entering into an agreement which benefits them personally or results from a position of conflict and HHS suffers;
- staff, contractors or board members, or their families, receive services from HHS where they are involved with decisions about the services.

HHS performs a range of functions, many of which could present the potential for a conflict of interest, including:

- employment and selection of staff
- selection of a contractor for services or purchases
- allocation of properties, tenant selection
- delivery of goods and services
- authorisation of expenditure
- where an employee of HHS holds secondary employment that may compromise their responsibilities with HHS.

Real or perceived conflicts of interest will be guarded against by:

- ensuring that no special treatment or favours are granted to people, or their relatives or friends as a result of their positions
- ensuring that they do not receive payments or personal gifts as a result of their position
- not entering into agreements which benefit them personally
- not participating in decisions where they may have a conflict of interest
- if necessary, removing themselves from discussions or decisions; and
- ensuring that they do not, as a staff member, use insider information about the organisation or job or spreading information about a client gained as a staff member. See Privacy and Information Sharing Policy.

Personal relationships are not to influence work behaviours. It could be a conflict of interest if an employee acts on the basis of personal friendship or personal animosity to advantage or disadvantage a fellow employee, supplier, service provider, customer or tenant.

Employees who are uncertain whether they are placed in a situation where a potential or actual conflict of interest exists should seek advice from their supervisor or manager.

NRAS DISPUTE RESOLUTION PROCESS

Initial Complaint

HHS is committed to providing NRAS investors with a fair and responsible system for handling complaints. If at any time an investor has any complaints in relation to NRAS, the NRAS team can be contacted in writing via:

Phone: 03 9479 0700

Email: nrasadmin@hhs.org.au

Website: <https://www.nrasvic.com.au/>

The NRAS team will attempt to resolve any concerns that the investor may have to your satisfaction within 14 calendar days.

What if my complaint is not resolved

If the investor is unsatisfied with the response, they can contact the NRAS Program Manager to conduct a further investigation. The NRAS Program Manager will respond to the investor complaint within 7 calendar days.

If still not resolved, HHS will encourage the investor to escalate it for an internal review of the investigation with the Senior Manager of the Group. HHS will respond to the complaint within 30 calendar days. When the investigation or review is completed, the outcome is communicated to the investor, including advice on alternative course of internal and external review options.

If still not resolved, HHS will encourage the investor to contact the external agency (e.g. Department of Social Services (DSS)) via email: nras@dss.gov.au.

<https://www.dss.gov.au/housing-support/programs-services/housing/national-rental-affordability-scheme/nras-investors>

More information about this process is available at www.dss.gov.au/NRAS.